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HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C.65 of 2007

APPLICANTS

Bhikham Sao s/o Ramkishun (original plaintiff-died). His Legal Representatives are as follows:

1. Smt. Chameli Devi, W/o Late Bhikham Sao, aged about 60 years.
2. Shobhanath Gupta s/o Late Bhikham Sao, aged about 42 years.
3. Prakashchand Gupta s/o Late Bhikham Sao, aged about 32 years.(Sr. 1, 2 & 3 all residents of village-Pindra, Thana-Balrampur, Tahsil Pal, District-Surguja(CG)
4. Rajwanti D/o Late Bhikham Sao and D/o Jahendra Prasad Gupta, aged about 40 years, R/o Village-Basen, Post-Basen, Thana-Rajpur, District-Surguja(CG).
5. Sukanti @ Gudhuluwa, D/o Late Bhikham Sao and W/o Balkishun Gupta, aged about 37 years, R/o Balrampur, District-Surguja(CG).
6. Chandrawanti @ Delwa D/o Late Bhikham Sao and W/o Vijay Gupta, aged about 35 years, R/o village-Hariharganj, Thana Post-Hariharganj, District-Palamu, Jharkhand.

VERSUS

NON-APPLICANTS/ RESPONDENTS

1. (a) Paancheri Devi W/o Late Rangnath (Died)
2. (b) Ramesh s/o Rangnath Singh (Died)

Note: Both were Legal Heirs of Original Defendant Rangnath Singh and after his death (No.1

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and 2) brought on record and also after their death the LRs of Ramesh brought on record.

2 (Ka) Smt. Chandrawati Singh, Wd/o Late Ramesh Singh, aged about 42 years by caste Rajput, Occupation House wife

2(Kha) Sanket Singh s/o Late Ramesh Singh, aged about 28 years by caste Rajput, Occupation Service.

2(Ga) Abhishek Singh s/o Late Ramesh Singh, aged about 23 years by caste Rajput, Occupation Student

2 (Gha) Abhijit Singh s/o Late Ramesh Singh, aged about 17 years by caste Rajput, Occupation Student, through natural guardian mother.

All are the R/o village-Seoni, Thana-Balrampur, The-Pal, District-Surguja(CG)
(c) Umesh s/o Rangnath Singh, aged 35 years.
(d) Suresh s/o Rangnath Singh, aged 28 years.

3. Mudrika Choube s/o Nand Kishore, aged 50 years, R/o village-Balrampur, Surguja(CG)
4. State of Chhattisgarh through Collector, Surguja(CG)

Appearance:

Shri Sunil Tripathi and Shri I.S.Sahu, Advocates for the applicants.

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ORAL ORDER
(16.03.2007)

SUNIL KUMAR SINHA, J.

Heard.

This is an application filed for restoration of S.A. No.484/2006, which was dismissed on account of non-compliance of order dated 28.8.2006.

It appears that on 28.8.2006, the following order was passed by this Court in S.A.No.484/2006:

"No one appears for the appellants when the matter is called out.

Office has pointed out certain default in the matter.

Let necessary steps be taken for removal of the default within 15 days, failing which this appeal shall stand dismissed without further reference to the Bench.

If the steps are taken, the matter shall be listed for consideration in the Second week of October, 2006."

Admittedly, on the said date no one had appeared for the appellants and a pre-emptry order was passed that the default shall be removed within 15 days, failing which this appeal shall stand dismissed without further reference to the Bench.

Learned counsel for the applicants submit that since no had appeared on 28.8.2006, they were having no knowledge about such an order passed by this Court and for this reason only, the default has been committed. They submit that if one more chance is given, the order shall be complied within 15 days from today itself.

Considered.

In the facts and circumstances of the case, the application (M.C.C. No.65/2007) for restoration is allowed.

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The appeal is restored to its original number today itself and the counsel for the appellants is granted 15 days time as per order dated 28.8.2006 to comply with the said order as if the said order has been passed on today, failing which, the appeal shall stand dismissed without further reference to the Bench.

The M.C.C. stands disposed of.

A copy of this order shall be kept in the record of S.A.

Sd/-
Sunil Kumar Sinha
Judge

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